

## Wu, Jennifer

---

**From:** Wu, Jennifer  
**Sent:** Wednesday, July 19, 2017 2:40 PM  
**To:** Zimmerman, Breean (ECY)  
**Subject:** compliance schedule in 401 cert

Hi Breean, here's the basis for why we need Ecology to issue the compliance schedule:

For new WQBELs, the permitting authority is allowed to provide for a compliance schedule only if the state WQS allow for the issuance of compliance schedules. The basic explanation for this is in the NPDES Permit Writers Manual in Section 9.1.3 (<https://www.epa.gov/npdes/npdes-permit-writers-manual>). That section references a memo that HQ wrote to R9 regarding compliance schedules that were longer than 5 years (this is the memo that set out EPA's new rationale re the length of compliance schedules) ([https://www3.epa.gov/npdes/pubs/memo\\_complianceschedules\\_may07.pdf](https://www3.epa.gov/npdes/pubs/memo_complianceschedules_may07.pdf)). When we issue permits with compliance schedules, we need to look at what the state compliance schedule WQS says. The relevant compliance schedule WQS says that the department (i.e., Ecology) shall establish the compliance schedule (<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-220-140>). As a result, we need Ecology to include the compliance schedule in the 401 certification.

Jenny Wu  
USEPA Region 10  
Office of Water and Watersheds (OWW-134)  
Environmental Engineer, NPDES Permits Unit  
1200 6th Avenue, Suite 900  
Seattle, WA 98101  
(206)553-6328